KARNATAKA CHILDREN (AMENDMENT) BILL, 1976

Introduction

SMT. MANORAMA MADHWARAJ (Minister of State for Women and Children Welfare).—Sir I beg leave of the House to introduce the Karnataka Children (Amendment) Bill, 1976.

MADAM SPEAKER.—The question is :

"That leave be granted to introduce the Karnataka Children (Amendment) Bill, 1976."

The motion was adopted and leave was granted.

SMT. MANORAMA MADHWARAJ.—I beg to introduce the Bill.

MADAM SPEAKER.—The Bill is introduced.**

KARNATAKA COURT FEES AND SUITS VALUATION (AMENDMENT) BILL, 1976

Motion to Consider

SRI H. SIDDAVEERAPPA (Minister for Law).—I move :

"That the Karnataka Court Fees and Suits Valuation (Amendment) Bill, 1976, be taken into consideration."

MADAM SPEAKER.—Motion moved :

"That the Karnataka Court Fees and Valuation (Amendment) Bill, 1976 be taken into consideration."

The hon. member SRI T. R. SHAMANNA may move his motion also.

SRI T. R. SHAMANNA (Fort).—I beg to move :

"That the Karnataka Court fees and Suits Valuation (Amendment) Ordinance 1976 (Karnataka Ordinance 18 of 1976) be disapproved.

MADAM SPEAKER.—Motion moved :

"That the Karnataka Court Fees and Suits Valuation (Amendment) Ordinance 1976 (Karnatak Ordinance 18 of 1976), be disapproved."

Both the motions are before the House.

**Bills appended as Annexures to this volume.

†SRI H. SIDDAVEERAPPA.—Madam, this is a very small amendment introduced with a view to avoid certain anomalies in the Act. Only a few sections are sought to be amended. One is section 48, with regard to fee on Memorandum of Appeal against decisions awarded relating to compensation This a mendment is proposed with a view to see that the fee payable under this Act against decisions, or award under any Act for the time being in force for the acquisition of property for public purpose, is not merely on the value of the property but also solatium. Hitherto in the appeals we are charging court fees on the solatium. The High Court in one case said that fee need not be paid on the solatium of property. Therefore, this amendment has been proposed in section 48.

In Section 56 an enquiry will have to be made by the Deputy Commissioner, and in the amendment of Section 56 we have proposed as follows :

> "In the proviso to subsection (5) of section 56 of the principal Act, for the words 'from the date of the exhibition of the inventory', the words 'from the date on which the Deputy Commissioner is informed by the Court by the exhibition of the inventory' shall be substituted."

According to this amendment, the Deputy Commissioner to whom a copy of the application for probate or letters of administration is sent under Section 52 (2) may make an enquiry after satisfying himself that the property has been properly valued for the purpose of payment of court fee and if he is satisfid that the applicant has underestimated the value, he may require him to amend the valuation. If the applicant fails to amend the valuation, the Deputy Commissioner may move the Court before which the application for probate or letters of administration was made to hold an enquiry. According to the proviso to sub-section (5) of Section 56, the Deputy Commissioner cannot make such a motion after the expiration of six months from the date of the exhibition of the inventory which is required to be filed by the executor or the administrator under Section 317 of the Indian Succession Act, 1925. There is no provision to give a notice on the exibition of inventory to the Deputy Commissioner under the present Act and so the Deputy Commissioner would not know when the inventory has been made. Therefore, he would also not know when the period of limition provided in the Section exprires resulting in loss of revenue. The Section is therefore amended to provide for notice to be given to the Deputy Commissioner by the court about the exhibition of the inventory so that he may know when he has to file an appeal if he wants to do so.

Then, certain changes have been made regarding fee in article 10 of Schedule II. This article prescribed the rates of fee payable on certain types of petitions.

We have also made some changes in article 11 regarding payment of fees. If the amount or value exceeds Rs. 10,000 provided that if it is a caveat, the amount to be paid is mentioned in the Act. In article 11 the proviso requiring payment of court fee on the market value of the state appeavs but because of the Karnataka High Court ruling that the proviso did not apply in the cases covered by item (3) of sub-clause (2), in order to make the intention clear the amendment is made. Consequent on this amendment, the court fee on the market value will have to be paid in all cases covered by sub-clause (2) of clause (1) These are the few amendments that have been made.

With a view to clarify certain doubts raised by the High Court and also with a view to see that certain changes are made in the fees, these small amendments are proposed. I commend them for the approval of the House.

† ಶ್ರೀ ಟಿ. ಆರ್. ಶಾಮಣ್ಣ.—ಮಾನ್ಯ ಸಭಾಧ್ಯಕ್ಷಣೀಯವರೇ, ಇದು ನನ್ನ ದುಂದಿಟ್ಟಿ ರತಕ್ಕಂಥ ಈ ಸುಗ್ರೀವಾಜ್ಞೆಯನ್ನು ವಿಷಾದದಿಂದ ವಿರೋಧಿಸಬೇಕಾದಂಥ ಒಂದು ಸಂದರ್ಭ ಒದಗಿದೆ. ಕಳೆದ ಅಸೆಂಬ್ಲಿ ಅಧಿವೇಶನ ಮುಗಿದು ೪ ತಿಂಗಳೊಳಗಾಗಿ ಸುಮಾರು ೨೬ ಸುಗ್ರೀ ವಾಜ್ಞೆಗಳನ್ನು ಸರ್ಕಾರ ದವರು ಹೊರಡಿಸಿದ್ದಾರೆ. ಈ ಸುಗ್ರೀವಾಜ್ಞೆಗಳನ್ನು ಹೊರಡಿಸುವುದು ಎಷ್ಟು ಸುಲಭವಾಗಿದೆ ಎಂದರೆ, ಸರ್ಕಾರಿ ಆಜ್ಞೆಗಳನ್ನು ಹೊರಡಿಸಲು ಎಷ್ಟು ಕಷ್ಟವಿಲ್ಲವೋ ಅಷ್ಟು ಸುಲಭವಾಗಿ ಈ ಸುಗ್ರೀವಾಜ್ಞೆಗಳನ್ನು ಹೊರಡಿಸಿರತಕ್ಕಂಥದ್ದು ಬಹಳ ಶೋಚನೀಯವಾದ ವಿಚಾರ. ಆದರಲ್ಲೂ ಕೂಡ ಈ ಸುಗ್ರೀವಾಜ್ಞೆಗಳನ್ನು ಹೊರಡಿಸುವಾಗ ಆತುರಾತುರವಾಗಿ ಯಾವುದೋ ಒಂದು ಫೈನಾನ್ಶಿಯಲ್ ಸರ್ಕಾರಕ್ಕೋ ಮಿನಿಸ್ಟರ್‌ರವರಿಗೋ ಬಂತು ಎಂದರೆ ಒಂದು ಸುಗ್ರೀವಾಜ್ಞೆ ಯನ್ನು ರಾಜ್ಯಪಾಲರ ಕಡೆಂದ ಮುದ್ರೆ ಒತ್ತಿಸಿ ಆಜ್ಞೆಯನ್ನು ಹೊರಡಿಸಿ ಬಿಡುವುದು ಆಗಿದೆ. ಹೀಗಾಗಿ ಅನೇಕ ಸಂದರ್ಭಗಳಲ್ಲಿ ಆರ್ಡಿನೆನ್ಸ್ ಮೇಲೆ ಆರ್ಡಿನೆನ್ಸ್‌ಗಳನ್ನು ಹೊರಡಿಸುತ್ತಿದ್ದಾರೆ. ಇವತ್ತು ಆರ್ಡಿನೆನ್ಸ್‌ಗಳ ಅವಶ್ಯಕತೆ ಇತ್ತು ಎಂದು ಹೇಳುವಾಗ ತಾವು ಈ ತೆರಿಗೆಯನ್ನು ಶೇಮಾರು ೧೬ ಐಟಂಗಳ ಮೇಲೆ ಒಂದಕ್ಕೆ ಎರಡರಷ್ಟು ಮಾಡಿರ ತಕ್ಕಂಥ ಔಚಿತ್ಯವಾದರೂ ಏನಿತ್ತು ?

ಶ್ರೀ ಎಚ್ ಸಿದ್ದವೀರಪ್ಪ.—ಇದು ಬಹಳ ಬಹಳ ಕಡಿಮೆ, ಜುಜುಬಿ.

ಶ್ರೀ ಟಿ. ಆರ್. ಶಾಮಣ್ಣ.—ಅದು ಜುಜುಬಿ ಇರಬಹುದು. ಆದರೆ ಇವತ್ತು ನಾವು ತತ್ವಕ್ಕೆ ಹೆಚ್ಚಿನ ಗಮನವನ್ನು ಕೊಡಬೇಕಾಗಿದೆ. ಟ್ಯಾಕ್ಸೇಷನ್ ಮೆಜರ್ಸ್ ಪ್ರಶ್ನೆ ಬಂದಾಗ ಪೂರ್ತಿಯಾಗಿ ಅಸೆಂಬ್ಲಿಗೆ ಅಧಿಕಾರ ಇರಬೇಕೆಂದು ಬ್ರಿಟೀಷ್ ಪಾರ್ಲಿಮೆಂಟಿನಲ್ಲಿಯೂ ಒಪ್ಪಿಕೊಂಡಿದ್ದಾರೆ. ವಿಧಾನ ಸಭೆಯು ಕಾರ್ಯಕಲಾಪಗಳು ನಡೆಯದೇ ಇರುವಾಗ, ಸುಗ್ರೀವಾಜ್ಞೆಗಳನ್ನು ಹೊರಡಿಸಬೇ ಬೇಕಾದಂಥ ಪರಿಸ್ಥಿತಿ ಬಂದಾಗ ಆ ರೀತಿ ಮಾಡಿದರೆ ಅದನ್ನು ತಪ್ಪು ಎಂದು ಹೇಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಆದರೆ ಸುಗ್ರೀವಾಜ್ಞೆಗಳನ್ನು ಹೊರಡಿಸತಕ್ಕಂಥ ಒಂದು ಹವ್ಯಾಸ ಬೆಳೆಯಬಾರದು. ಇವತ್ತು ಲ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್‌ನಲ್ಲಿ ತೊಡಕಿದೆ ಎಂದು ಹೇಳಿ ಆರ್ಡಿನೆನ್ಸ್ ತರುವಾಗ ೧೪ ಐಟಂಗಳಲ್ಲಿ ೨೫ ಪೈಸೆಯಿಂದ ೫೦ ಪೈಸೆಗೆ, ೧ ರೂಪಾಯಿಯಿಂದ ೨ ರೂಪಾಯಿಗೆ, ೧೨ ರೂಪಾಯಿಯಿಂದ ೨೫ ರೂಪಾಯಿಗೆ ಟ್ಯಾಕ್ಸನ್ನು ದ್ವಿಗುಣ ಮಾಡಿರತಕ್ಕಂಥದ್ದು ಸರಿಯೇ ಎನ್ನುವುದರ ಬಗ್ಗೆ ಯೋಚನೆ ಮಾಡಬೇಕಾಗಿದೆ. ಇವತ್ತು ನಾನು ಹಣದ ಬಗ್ಗೆ ಮಾತನಾಡುತ್ತಿಲ್ಲ. ಆದರೆ ತತ್ವದ ಬಗ್ಗೆ ಮಾತ್ರ ಮಾತನಾಡುವುದಕ್ಕೆ ಇಷ್ಟಪಡುತ್ತೇನೆ. ಈ ಟ್ಯಾಕ್ಸೇಷನ್ ಮೆಜರ್ಸ್‌ನ್ನು ಅದರಲ್ಲೂ ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ರೆಟ್ರಾಸ್ಪೆಕ್ಟಿವ್

ಎಫೆಕ್ಟ್ ಆಗಿ ಸುಗ್ರೀವಾಜ್ಞೆಗಳ ಮುಂಖಾಂತರ ಜಾರಿಗೆ ತರತಕ್ಕಂಥದ್ದು ಸರಿಯಾದುದ್ದು ಅಲ್ಲ ಮತ್ತು ನ್ಯಾಯವಲ್ಲವೆಂದು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ. ಈ ಅಧಿವೇಶನವನ್ನು ಕರೆಯಬೇಕಾದಂಥ ಸಂಧರ್ಭದಲ್ಲಿ ನಮ್ಮ ಬಹಳ ಸಣ್ಣ ಅಮೌಂಟ್ ಇದೆ. ಇದನ್ನು ಯಾವುದೋ ಕಾಲದಲ್ಲಿ ಹೆಚ್ಚಿಸಬೇಕಾಗಿತ್ತು. ಎನ್ನುವ ಕಾರಣವನ್ನು ಹೇಳಿದರೆ ಅದನ್ನು ಒಪ್ಪುವುದಕ್ಕೆ ತೊಂದರೆ ಇಲ್ಲ. ಆದರೆ ಒಂದು ತೊಡಕು ಬಂದಿದೆ ಎಂದು ಹೇಳಿ ಸುಗ್ರೀವಾಜ್ಞೆಯನ್ನು ಹೊರಡಿಸುವುದು ಸರಿಯಲ್ಲ. ಇವತ್ತು ಏನಾದರೂ ಅದನ್ನು ಮಸೂದೆಯ ರೂಪದಲ್ಲಿ ಇಡಬೇಕಾದ ಪಕ್ಷದಲ್ಲಿ ಅದನ್ನು ಗೆಜೆಟ್‌ನಲ್ಲಿ ಪ್ರಕಟಿಸಿ, ಅದರ ಬಗ್ಗೆ ಒಪಿನಿಯನ್ ತೆಗೆದುಕೊಳ್ಳಬೇಕಾಗುತ್ತಿತ್ತು, ಅದು ಸರಿಯೋ ತಪ್ಪೊ ಎಂದು ಕೇಳಬೇಕಾಗುತ್ತಿತ್ತು. ಅವನ್ನು ಬಿಟ್ಟು ಇದ್ದಕ್ಕಿದ್ದ ಹಾಗೆ ಸುಗ್ರೀವಾಜ್ಞೆಗಳನ್ನು ತಾವು ತಂದು ಬಿಟ್ಟರೆ, ತಾವು ತಂದಿರತಕ್ಕಂಥ ಮಸೂದೆ ಸರಿಯೋ ತಪ್ಪೋ ಎಂದು ಸಮರ್ಥನೆ ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ಅವಕಾಶವಿರುವುದಿಲ್ಲ. ಈಗಾಗಲೇ ಮಾನ್ಯ ಕೃಷ್ಣನ್‌ರವರು ಲೋಪಗಳು ಇವೆ ಎಂದು ಎತ್ತಿ ತೋರಿಸಿದ್ದಾರೆ. ಆದುದರಿಂದ ತಾವು ಈ ಸುಗ್ರೀವಾಜ್ಞೆಗಳನ್ನು ತರುವಾಗ ಒಂದು ಮಿತಿ ಇಲ್ಲದೆ ಅವಶ್ಯಕತೆ ಇರಲಿ, ಇಲ್ಲದೇ ಇರಲಿ ಅವನ್ನು ಅತುರದಲ್ಲಿ ಜಾರಿಗೆ ತರುವುದು ಆಷ್ಟೊಂದು ಸರಿಯಲ್ಲ. ಎರಡನೆಯದಾಗಿ ಈ ಟ್ಯಾಕ್ಸೇಷನ್ ಮೆಜರ್ಸ್ ಹಾಕತಕ್ಕಂಥ ಅಧಿಕಾರವನ್ನು ಲೆಜಿಸ್ಲೇಚರ್‌ನಿಂದ ಪೂರ್ಣವಾಗಿ ಸರ್ಕಾರದವರು ಕಿತ್ತುಕೊಳ್ಳತಕ್ಕಂಥದ್ದೂ ಕೂಡ ಸರಿ ಯಾದುದಲ್ಲ ಏತಕ್ಕೆಂದರೆ ಇವತ್ತು ತಮಗೆ ಬೆಂಬಲ ಕೊಡತಕ್ಕಂಥವರು ಇದ್ದಾರೆ ಎಂದು ಈ ರೀತಿ ಮಾಡತಕ್ಕಂಥದ್ದು ಸರಿಯಿಲ್ಲ. ಒಂದು ಸಮಯ ತಾವು ಸುಗ್ರೀವಾಜ್ಞೆಯನ್ನು ಹೊರಡಿಸಿದಾದ ಮೇಲೆ ಅದು ಅಸೆಂಬ್ಲಿಯಲ್ಲಿ ಬಿದ್ದು ಹೋದರೆ ಆಗ ಸರ್ಕಾರಕ್ಕೆ ನಿಜವಾಗಿಯೂ ಗೌರವ, ಘನತೆ ಉಳಿಯುತ್ತದೆಯೇ ಎಂಬುದನ್ನು ಯೋಚನೆ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಇದನ್ನು ವಿರೋಧಿಸುವುದಕ್ಕೆ ಕಾರಣವಾದರೂ ಇಷ್ಟೆ, ಪದೇ ಪದೇ ಅವಶ್ಯಕತೆ ಇರಲಿ, ಇಲ್ಲದೆ ಇರಲಿ ಸುಗ್ರೀವಾಜ್ಞೆಗಳನ್ನು ಹೊರಡಿಸತಕ್ಕಂಥದ್ದು ಸರಿಯಲ್ಲ. ಈ ಟ್ಯಾಕ್ಸೇಷನ್ ಮೆಜರ್ಸ್‌ನ್ನು ಸುಗ್ರೀವಾಜ್ಞೆಯ ಮೂಲಕ ಜಾರಿಗೆ ತರತಕ್ಕಂಥದ್ದು ಸರಿಯಲ್ಲ ಮೆದಲು ಹೇಳಿ ಈ ಮೂಲಕ ವಿರೋಧಿಸುತ್ತೇನೆ.

ಈಗ ಕರ್ನಾಟಕ ಕೋರ್ಟ್ ಫೀಸ್ ಅಂಡ್ ಸ್ಯೂಟ್ಸ್ ವ್ಯಾಲ್ಯುವೇಷನ್ ಮಸೂದೆ ಬಗ್ಗೆ ಒಂದೆರಡು ಮಾತುಗಳನ್ನು ಹೇಳಬಯಸುತ್ತೇನೆ. ಲ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್ ಕೇಸುಗಳಿಗೆ ೧೫ ಪರ್ಸೆಂಟ್ ಸ್ಪಾಚ್ಯಾಟಿರಿ ಅಲೋಯನ್ಸ್ ಎಂದು ಹಾಕಿದ್ದಾರೆ. ಲ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್ ಆಫೀಸರು, ಲ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್‌ಗೆ ಪರಿಹಾರ ಕೊಡುವಾಗ, ಇಷ್ಟು ಹಣವನ್ನು ಪರಿಹಾರವನ್ನಾಗಿ ಕೊಡಬೇಕೆಂದು ತೀರ್ಮಾನ ಮಾಡಿರುತ್ತಾನೆ. ಅದರಲ್ಲಿ ೧೫ ಪರ್ಸೆಂಟ್ ಸ್ಯಾಟಿಂಯರಿ ಅಲೋಯನ್ಸ್ ಕೂಡ ಸೇರಿರುತ್ತದೆ. ಅದುದರಿಂದ ಇದಕ್ಕೂ ಕೂಡ ತೆರಿಗೆ ಕೊಡಬೇಕೆಂಬುದು ಸರ್ಕಾರದ ವಾದ. ಆದರೆ, ಇದೊಂದು ಸಾಚ್ಯುಟರಿ ಅಲೋಯನ್ಸ್, ಇದಕ್ಕೆ ತೆರಿಗೆಯನ್ನು ಕೊಡಬೇಕಾಗಿಲ್ಲ ಎಂದು ಹೈಕೋರ್ಟಿನ ಫುಲ್ ಬೆಂಚಿನ ತೀರ್ಪಿನಲ್ಲಿ ಹೇಳಿದ್ದಾರೆ. ಆದುದರಿಂದ, ಇದನ್ನು ವಿಧಿಸುವುದು ಸರಿಯಲ್ಲವೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ.

ಎರಡನೆಯದಾಗಿ, ಅನೇಕ ತಿದ್ದುಪಡಿಗಳನ್ನು ತೆಗೆದುಕೊಂಡು ಬಂದು, ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳು, ರೈತರು, ಅಥಾರಿಟಿಗಳು —ಇವುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅರ್ಜಿಗಳನ್ನಾಗಲೀ ಅಥವಾ ಮನವಿಗಳನ್ನಾಗಲೀ ಕೊಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಮೊದಲು ಎಷ್ಟು ಸ್ಟಾಂಪ್ ಡ್ಯೂಟಿಯನ್ನು ಹಾಕಬೇಕಾಗಿತ್ತೋ, ಅದರ ಎರಡರಷ್ಟು ಮಾಡುವ ಒಂದು ನಿಬಂಧನೆ ಈ ಮಸೂದೆಯಲ್ಲಿ ಇದೆ. ಅನೇಕ ಸಂದರ್ಭದಲ್ಲಿ ಲ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್ ಕೇಸುಸ್‌ಗಳು ನ್ಯಾಯವಾಗಿ ತೀರ್ಮಾನ ಮಾಡಲಾಗಿದೆ ಎಂದು ಹೇಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಇದರಲ್ಲಿ ಲಂಚ ತೆಗೆದುಕೊಂಡು ಮಾಡುತ್ತಾರೋ ಅಥವಾ ಹಾಗೆಯೇ ಮಾಡುತ್ತಾರೋ, ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ನಾನು ಹಾಗೆ ಮಾಡಿಸಿರುವುದನ್ನು ನೋಡಿಲ್ಲ. ಆದರೆ, ಪ್ರಭಾವ ಬೀರಿ, ಅನೇಕ ಸಂದರ್ಭಗಳಲ್ಲಿ, ಲ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್‌ಗೆ ಪರಿಹಾರ ಎಷ್ಟು ಕೊಡಬೇಕಾಗಿತ್ತು, ಅದಕ್ಕಿಂತ ಹೆಚ್ಚು ಕಡಮೆ ಕೊಡುವ ಸಂದರ್ಭಗಳನ್ನು ನೋಡಿದ್ದೇನೆ. ಪ್ಯಾಲೆಸ್ ಅರ್ಚರ್ಡ್‌ನಲ್ಲಿ ಒಂದು ಜಾಗವನ್ನು ತೆಗೆದುಕೊಂಡಾಗ, ಮೂರು ಲಕ್ಷ ರೂಪಾಯಿಗಳನ್ನು, ಆ ಜಮೀನಿಗೆ ಪರಿಹಾರ ಧನವನ್ನಾಗಿ ಕೊಡಬೇಕೆಂದು ಲ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್ ಆಫೀಸರ್ ಗೊತ್ತು ಮಾಡಿದರು. ಆದರೆ, ಪ್ರಭಾವ ಬೀರಿ, ಮೂರು ಲಕ್ಷ ರೂಪಾಯಿಗಳ ಪರಿಹಾರ ಧನವನ್ನು ಹನ್ನೊಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳಿಗೆ ಏರಿಸಿಕೊಂಡರು. ಅಬೆರೆ, ಹನುಮಂತನಗರದಲ್ಲಿರುವ ಒಂದು ಒಂದು ಸಣ್ಣ ಮನೆ—ಅದು ರಸ್ತೆಗೆ ಅಡ್ಡ ಬರುತ್ತದೆಂಬ ಕಾರಣದಿಂದ, ಅದನ್ನು ಪೂರ್ತಿ ವಶಪಡಿಸಿಕೊಂಡು, ನಾಮಕಾವಸ್ಥೆಗೆ ಸ್ವಲ್ಪ ಹಣವನ್ನು ಪರಿಹಾರವನ್ನಾಗಿ ಕೊಟ್ಟರು. ಪರಿಹಾರ

ವಾಗಿ ಬಂದ ಹಣದಿಂದ, ಆ ಬಡ ಕುಟುಂಬದವರಿಗೆ ಒಂದು ಸಣ್ಣ ಗೂಡನ್ನು ಕಟ್ಟಿಕೊಳ್ಳುವುದಕ್ಕೆ ಸಾಧ್ಯವಾಗಲಿಲ್ಲ. ನ್ಯಾಯಾಲಯಕ್ಕೆ ಹೋಗಿ ಹೆಚ್ಚಿಗೆ ಪರಿಹಾರ ಧನವನ್ನು ಕೇಳೋಣವೆಂದರೆ, ಅದಕ್ಕೆ ಅವನ ಬಳಿ ಮೂರು ಕಾಸೂ ಇರಲಿಲ್ಲ. ಕೆಲವು ಕಡೆ ಪರಿಸ್ಥಿತಿ ಹೀಗಾಗಿದೆ

ಅನೇಕ ಸಂದರ್ಭಗಳಲ್ಲಿ ಭೂಮಿ ಅಥವಾ ಆಸ್ತಿಯನ್ನು ವಶಪಡಿಸಿಕೊಂಡಾಗ, ಅದರ ಬಗ್ಗೆ ಪರಿಹಾರ ಧನವನ್ನು ಕ್ಲೈಂ ಮಾಡುವಾಗ, ಅಲೋಯನ್ಸ್‌ನಲ್ಲಿ ಏನಾದರೂ ಹೆಚ್ಚು ಕಡಮೆಯಾದರೆ ಅದನ್ನು ಮೇಕ್ ಅಪ್ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ೧೫ ಪರ್ಸೆಂಟ್ ಅಲೋಯನ್ಸ್ ಹಾಕಿರುತ್ತಾರೆ. ನಮಗೆ ಕೊಡುವ ತುಟ್ಟಿಭತ್ಯ ಮತ್ತು ಪ್ರಯಾಣ ಭತ್ಯದ ಮೇಲೆ ತೆರಿಗೆ ಕೊಡುವ ಹಾಗಿಲ್ಲ ಆದರೆ, ಕೇವಲ ಸಣ್ಣ ಪುಟ್ಟ ಭತ್ಯಗಳ ಮೇಲೆಲ್ಲಾ ತೆರಿಗೆಯನ್ನು ವಿಧಿಸಬೇಕೆನ್ನುವ ವಾದ ನನಗೆ ಅಷ್ಟು ಸರಿಯಾಗಿ ಕಾಣುವುದಿಲ್ಲ. ಸ್ಟಾಚ್ಯುಟರಿ ಅಲೋಯನ್ಸ್ ಎಂದು ವಿಧಿಸುವ ೧೫ ಪರ್ಸೆಂಟ್‌ಗೆ ಸ್ಟಾಂಪ್ ಡ್ಯೂಟಿಯನ್ನು ಕೊಡಬೇಕಾಗಿಲ್ಲ ಎಂದು ಹೈಕೋರ್ಟಿನ ಫುಲ್ ಬೆಂಚಿನಲ್ಲಿ ಒಬ್ಬರು ಅಪೀಲ್ ಹೋಗಿದ್ದಾಗ ತೀರ್ಪು ಕೊಟ್ಟಿದ್ದಾರೆ. ಆದರೆ ಸರ್ಕಾರದವರು, ಎಷ್ಟು ಬಂದರೂ ನಮಗೆ ಸಾಲದು, ಈ ೧೫ ಪರ್ಸೆಂಟಾ ಸ್ಟಾಚ್ಯುಟರಿ ಅಲೋಯನ್ಸ್ ಮೇಲೂ ತೆರಿಗೆಯನ್ನು ಕೊಡಿ ಎಂದು ಈ ಮೂಲಕ ನೋಟಿಸನ್ನು ಸಭೆಯ ಮುಂದೆ ತಂದಿದ್ದಾರೆ. ಆದರೆ, ಸಣ್ಣ ಪುಟ್ಟ ಆಸ್ತಿ ಇಟ್ಟುಕೊಂಡಿರುವವರು, ಅವರ ಜಮೀನನ್ನು ವಶಪಡಿಸಿಕೊಂಡ ಬಾಬ್ತಿಗೆ ಕೊಟ್ಟಿರುವ ಪರಿಹಾರ ಧನ ಸಾಲವೆಂದು ಹೈಕೋರ್ಟಿಗೆ ಅಥವಾ ಬೇರೆ ಯಾವುದಾದರೂ ಕೋರ್ಟಿಗೆ ಅಪೀಲು ಹಾಕುವುದಕ್ಕೂ ಇದರಿಂದ ಕಷ್ಟವಾಗುತ್ತದೆ ಆದುದರಿಂದ, ಈ ಸ್ಟಾಚ್ಯುಟರಿ ಅಲೋಯನ್ಸ್ ಮೇಲೆ ತೆರಿಗೆ ವಿಧಿಸುವುದು ಸರಿಯೇ ಎನ್ನುವುದನ್ನು ಸರ್ಕಾರದವರು ದೀರ್ಘವಾಗಿ ಆಲೋಚನೆ ಮಾಡಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

"Applicaeion of the petition presented to any officer of Land revenue by any person holding temporarily settled land under direct engagement with Government.

"Application or petition presented to any Municipal Corporation, Municipal Council, Sanitary Board, Notified Area Committee, Town Area Committee".

They have also increased the fee to Rs 50 from Rs. 12-50 if the value exceeds Rs. 10,000 ಇಲ್ಲಿ ನನ್ನ ಮುಖ್ಯವಾದ ಆರೋಪ ಏನೆಂದರೆ, ಮನವಿ ಪತ್ರಗಳ ಮೇಲೆ ಸ್ಟಾಂಪನ್ನು ಹೆಚ್ಚಿಬೇಕು; ಹೆಚ್ಚೋಣ; ಆದರೆ, ಅದರಿಂದ ಏನಾದರೂ ಬೇರೆ ಇದೆಯೇ ಅಥವಾ ಮನವಿ ಪತ್ರಕ್ಕೆ ಏನಾದರೂ ಉತ್ತರ ಬರುತ್ತದೆಯೇ ಎನ್ನುವುದನ್ನು ನಾವು ವಿಚಾರ ಮಾಡಬೇಕಾಗಿದೆ. ನಾವು ಕೊಟ್ಟ ಮನವಿಯ ಮೇಲೆ ಅಸಕ್ತಿ ಇಟ್ಟು ಸರ್ಕಾರದವರು ಕಾರ್ಯಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುತ್ತಾರೆ, ನಮಗೆ ಅನುಕೂಲ ಮಾಡಿಕೊಡುತ್ತಾರೆ ಎನ್ನುವುದಾಗಿದ್ದರೆ, ಇಪ್ಪತ್ತೈದು ಪೈಸೆ ಕೊಡುವಾಗ, ಇನ್ನಪ್ಪತ್ತೈದು ಪೈಸೆ ಕೊಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲವೆ ಎಂದು ಹೇಳಬಹುದು. ಆದರೆ, ನಾವು ಐವತ್ತು ಪೈಸೆ ಸ್ಟಾಂಪ್ ಹಾಕಿ, ಮನವಿ ಪತ್ರ ಕೊಟ್ಟಗೆ, ಇದನ್ನು ಕಸದ ಬುಟ್ಟಿಗೆ ಹಾಕಿಬಿಡುತ್ತಾರೆ. ಹೀಗಿರುವಾಗ, ಒಬ್ಬ ಮನವಿದಾರ, ತನ್ನ ಮನವಿ ಪತ್ರದ ಮೇಲೆ ಎಂಟಾಣೆ ಸ್ಟಾಂಪ್‌ನ್ನು ಹಾಕುವ ಔಚಿತ್ಯವಾದರೂ ಏನು ಎಂದು ನಾನು ಪ್ರಶ್ನೆ ಮಾಡುತ್ತೇನೆ.

ನಗರ ಸಭೆಗಳಿಗೆ ಮತ್ತು ಮುನಿಸಿಪಾಲಿಟಿಗಳಿಗೆ ಸ್ಥಳೀಯ ನಾಗರೀಕರು ತಮಗೆ ಆಗಬೇಕಾದ ಸಣ್ಣ ಪುಟ್ಟ ಸೌಲಭ್ಯಗಳನ್ನು ಒದಗಿಸಬೇಕೆಂದು ಅರ್ಜಿಗಳನ್ನು ಕೊಟ್ಟರೆ ಆದರ ಮೇಲೂ ಕೂಡ ಸ್ಟಾಂಪ್ ಹಾಕಬೇಕಾಗುತ್ತದೆ. ಈಗ ಇಲ್ಲಿರುವ ಮಸೂದೆಯಲ್ಲಿ, ಹಾಗೆ ಕೊಡಬಹುದಾಗುವ ಸ್ಟಾಂಪ್ ಡ್ಯೂಟಿಯನ್ನು ಡಬಲ್ ಕೊಡಬೇಕೆಂದು ಇದೆ. ನಮಗೆ ಸೌಲಭ್ಯಗಳು ಬೇಕು ಎಂದು ನಾಗರೀಕರು ಸ್ಥಳೀಯ ಸಭೆಗಳನ್ನು ಕೇಳಲೂ ಸ್ಟಾಂಪ್ ಡ್ಯೂಟಿ ಕೊಡಬೇಕೆಂದು ಕೇಳುವುದು ಸರಿಯಲ್ಲ ನಾಗರೀಕರು ಕೊಟ್ಟ ಅರ್ಜಿಗಳಿಗೆ ಏನಾದರೂ ಪ್ರತಿಫಲ ದೊರೆಯುವಂತಿದ್ದರೆ ಅಥವಾ ಏನಾದರೂ ಉತ್ತರ ಕೊಡುವುದಕ್ಕೆ ಅವಕಾಶ ವಿದ್ದರೆ ಏನೋ ಕೊಡಬಹುದಾಗಿತ್ತು. ಆದರಿಂದಲಾದರೂ ಅರ್ಜಿ ಕೊಟ್ಟವನಿಗೆ ಸ್ವಲ್ಪ ತೃಪ್ತಿ ಇರುತ್ತದೆ. ಆದರೆ, ಈಗ ಆದ್ಯಾವುದೂ ಇಲ್ಲ ಈಗ ಸಣ್ಣ ಅರ್ಜಿದಾರರು, ಆದರಲ್ಲೂ ಮುಂಖ್ಯವಾಗಿ ಮಂತ್ರಿಗಳ ಹತ್ತಿರ ನಾಗರೀಕರು ತಮ್ಮ ಕಷ್ಟಸುಖಗಳನ್ನು ಅರ್ಜಿಗಳ ಮುಖಾಂತರ ಹೇಳಿಕೊಂಡು,

ಆದನ್ನು ಪರಿಹರಿಸಿಕೊಡಬೇಕೆಂದು ಕೇಳಿಕೋಳ್ಳುತ್ತಾರೆ. ಇವರೆಲ್ಲರೂ ಇನ್ನು ಮೇಲೆ ಮೊದಲು ಕೊಡುತ್ತಿದುದಕ್ಕಿಂತ ಎಷ್ಟರಷ್ಟು ಸ್ಟ್ಯಾಂಪ್ ಡ್ಯೂಟಿಯನ್ನು ಕೊಡಬೇಕೆಂದು ಮಾಡುವುದು ಒಳ್ಳೆಯದಲ್ಲ ಮತ್ತು ಇದರಲ್ಲಿ ಯಾವ ನಿಶ್ಚಿತ್ಯವೂ ಇಲ್ಲ ಎಂದು ಹೇಳುತ್ತೇನೆ. ಆದುದರಿಂದ, ಈ ರೀತಿ ಮಾಡುವುದು ಶುಭ ಸೂಚನೆಯಲ್ಲ. ತೆರಿಗೆ ಹೆಚ್ಚು ಮಾಡಿದರೂ, ಆದರಿಂದ ಜನರಿಗೆ ನಿಜವಾದ ಪ್ರತಿಫಲ ಬಂದರೆ ಏನೋ ಹಣ ಕೊಟ್ಟವನಿಗೆ ಸ್ವಲ್ಪ ನೆಮ್ಮದಿ ಆದರೆ, ಪ್ರತಿಫಲವೇನೂ ಯಾರಿಗೂ ಸಿಗುತ್ತಿಲ್ಲ. ಆದುದರಿಂದ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ತಂದಿರುವ ಮಸೂದೆಯನ್ನು ವಿರೋಧಿಸಿ, ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

† ಶ್ರೀ ಎಂ. ಎಸ್. ಕೃಷ್ಣನ್ (ಮಲ್ಲೇಶ್ವರ) —ಸನ್ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಮಾನ್ಯ ಸಚಿವರು ಮಂಡಿಸಿರುವ ಮಸೂದೆ ನಮ್ಮ ಸಂವಿಧಾನದ ಚೌಕಟ್ಟಿನೊಳಗೆ ಬರುತ್ತದೆಯೇ ಅಥವಾ ಇಲ್ಲವೇ ಎನ್ನುವುದು ನನ್ನ ಮುಖ್ಯ ವಿಚಾರ. ಏಕೆಂದರೆ, ಷೆಡ್ಯೂಲ್ ಎರಡರಲ್ಲಿ, ಹಿಂದೆ ಇಪ್ಪತ್ತೈದು ಪೈಸೆ ಇದ್ದುದನ್ನು ಈಗ ಐವತ್ತು ಪೈಸೆ ಮಾಡಿದ್ದಾರೆ, ಐವತ್ತು ಪೈಸೆ ಇದುದನ್ನು ಒಂದು ರೂಪಾಯಿ ಮಾಡಿದ್ದಾರೆ. ಎರಡು ರೂಪಾಯಿ ಇದ್ದುದನ್ನು ನಾಲ್ಕು ರೂಪಾಯಿ ಮಾಡಿದ್ದಾರೆ. ಹೀಗೆ ಎಲ್ಲವನ್ನು ಸಹ ಒಂದಕ್ಕೆರಡರಷ್ಟು ಕೋರ್ಟ್ ಫೀಯನ್ನು ಕೊಡಬೇಕೆಂದು ಹೇಳಲಾಗಿದೆ. ಹಿಂದೆ ಇದ್ದುದಕ್ಕಿಂತ ಈಗ ಹೆಚ್ಚು ಮಾಡಿದ್ದಾರೆ ಎನ್ನುವುದರ ಬದಲು, ಇದು ತೆರಿಗೆ ರೂಪದಲ್ಲಿ ಆಗಿರುವ ಹೆಚ್ಚಳ ಎಂದು ನನ್ನ ಅಭಿಪ್ರಾಯ. ಆದುದರಿಂದ, ೨೦೭ರ ಸಂವಿಧಾನ ಪ್ರಕಾರ ಏನೇನು ಪ್ರೊಸೆಸ್ ಮಾಡಬೇಕು ಅದನ್ನು ಮಾಡಿದೆಯೇ ಅಥವಾ ಇಲ್ಲವೇ ಎನ್ನುವುದು ನನಗಿರುವ ಅನುಮಾನ. ಏಕೆಂದರೆ,

Article 207 states like this :

"(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 199 shall not be introduced or moved except on the recommendation of the Governor, provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax."

It is not either reduction or abolition of any tax. It is a question of increasing the tax. At the same time clause (2) says like this :

2-30 P.M.

At the same time, Clause (2) of Article 207 says :—

> "A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes."

It is not a tax of a local authority and it is not such a tax which is to be abolished, remitted, altered or regulated. At best, the only argument can be that this is a payment of fees for licence or fees for services rendered Even under that, it does not come. That is my proposition. If it is a question of levy of fees, then it is attracted here. But it is not a question of levy of fees. It is a question of

increasing the already existing court fees. Already existing court fees has also been increased. That means, 0-25 paise has become 0-50 paise and 0-50 paise become Re. 1/- and so on. It cannot come under clause (2) of Article 207. This is a money Bill under which there must be a certificate which the Hon. Speaker should have obtained and only on that basis, this should have been introduced and it should have been considered by this House. Now, since that has not been done, my first submission is that this cannot be a valid bill at all.

The definition of the Money Bill is also a matter which we should go into. Article 199 says as follows.—

> "(1) For the purpose of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely.—
> (a) the imposition, abolition, remission, alteration or regulation of any tax;
> (b) the regulation of the borrowing of money or the giving of any guarantee by the State, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State;

I consider that this comes under Clause (a) of Article 199 (1).

Madam SPEAKER.—Does the Hon. Member not think there is a difference between tax and fees?

SRI M. S. KRISHNAN.—That is why I made it very clear. Even if it is construed as fees, it can only be under Article 207. What it says is the demand or payment of fees for licences or fees for services rendered. If there is a demand or payment of fees for licences or fees for services rendered, I can understand that it attracts Article 207 (2) but here, it is not a demand for fees. It is a question of imposition of additional fees. Here it is an imposition of additional fees *i.e.*, from 0-25 paise to 0-50 paise Re. 1 to Rs. 2, whatevar it is, that means it does not come under Article 207 (2) and secondly, I must also say that it amounts to a tax and what is tax? After all, tax is also a form of imposition of sum probably in money value.

ಅಧ್ಯಕ್ಷರು.— ತಾವು ಆರ್ಟಿಕಲ್ ೧೯೯ (೨) ನ್ನು ನೋಡಿ.

SRI M. S. KRISHNAN.—I will read Article 199 (2) which says as follows:—

> "A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it

provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes."

Madam SPEAKER.—A Bill shall not be deemed to be a Money Bill.....

SRI M. S. KRISHNAN.—My submission is this is not a just demand for the payment of the fees for the services rendered. My submission is this is a demand for enhancing the fees that is already existing.

Madam SPEAKER.—It is only fees and not tax...

SRI M. S. KRISHNAN.—My construction is this. It is the demand for enhancing the fees that is already existing.

SRI H. SIDDAVEERAPPA.—I have applied my mind and I will reply to the Hon. Member.

SRI M. S. KRISHNAN.—Let me get satisfied upon that. My only submission is, if there is no fees and if you demand fees, you are within your rights and I say allright but if there exists a fee and you enhance it, then, it comes under the Money Bill.

SRI H. SIDDAVEERAPPA.—What difference will that make ?

SRI M. S. KRISHNAN.—Suppose you put a fee, which means, you are demanding fees, i.e., Article 199 (2) is attracted and it cannot be called Money Bill, I have no objection. Supposing fees are already there and now if you change the schedule and say 0-25 paise becomes 0-50 paise, then there is a change in the character. Therefore, whether it comes under fees or not, my submission is, it amounts to tax. You may say, it is not a tax. But any burden upon the people. i.e., financial burden on the common man amounts to tax. That particular thing is a tax, might be an indirect tax. That is my first submission.

Secondly, I consider that, as has been pointed out by my hon. Friend, Sri Shamanna, the Government should have applied their mind as to the enhancement, how it should be enhanced, to whom it should be enhanced particularly in the present context when everybody from that side of the House is speaking of the 20 Point Programme. I am also very much interested in implementing the Twenty Point Economic Programme. The 20 point Economic Programme is for the common man, i.e., for the economically weaker sections If the change in the imposition of the fine attracts the poorer sections of the society, then I have to totally oppose it. It may be stated that it was done long back. At the time when you imposed this 0-25 paise, the value of rupee was nearly Re. 1/-. Now the value of the Rupee is itself depreciated. You can see the

Economic Survey of the Government of India, the report submitted to the Parliament and the Reserve Bank Bulletins; Then, you will agree with me, if you have really an impartial, unbiased mind, that the value of the Rupee is totally depreciated. To-day, it might have appreciated slightly. I agree with the Hon. Minister if we compare it to the British pound but compared to my own necessities of life here, and compared to my capacity to purchase or power to purchase, it has not appreciated so much. My submission is that it is not consonance with the spirit of the objectives that you have laid down viz., 20 Point Economic Programme and the implementation of that. In Schedule II, Article 10 (d) says as follows:—

"Application or petition presented to any officer of Land revenue relating to the grant of land on darkhast."

This applies mostly to the weaker sections of the society. I would request the Hon. Minister to reconsider this.

In regard to 10 (c) in the Schedule II, I would like to say that this also applies mostly to the poor sections of the society.

I don't say that it does not apply to the richer section.

SRI H. SIDDAVEERAPPA.—Do you think that 25 paise is much?

SRI M. S. KRISHNAN.—You have raised to 50 Paise. It really pricks the ordinary man. If Government wants to impose taxes, etc., let them have a total overall understanding. There is the decision of the full Bench of the Karnataka High Court and it has struck the act down. Well, you have gone on appeal. I am not opposed to that position. I just want to know whether the Government could not have waited when the matter is pending before the Supreme Court. It may take a year. How much of money will the Government lose? If you wait for one year are you going to lose so much that you have to come out with an Ordinance? You must be able to convince us that you lose enormously. If you are able to convince, certainly, we will not oppose you. I do not have all the facts and figures.

More important than that is Schedule 2 and I request you to apply your mind and see that the difficulties as far as the ordinary man is concerned are removed.

SRI K. PUTTASWAMY.—I would like to have some information from the Hon. Minister. I would like to know when the suit before the Supreme Court was filed and how long it has been pending. Secondly what is the amount that the Government is likely to get in a year by amending Section 48. What is the amount that the Government have lost between the filing of the suit in Supreme Court and the promulgation of this Ordinance?

SRI H. SIDDAVEERAPPA.—I will get that information.

SRI K. PUTTASWAMY.—I want to speak after I get that information.

SRI H. SIDDAVEERAPPA.—The particular point you want is not readily available with me. I will get the information and furnish you.

SRI K. PUTTASWAMY.—If, at least the information as to the date of filing the suit in Supreme Court is made available, I can say a few words.

SRI H. SIDDAVEERAPPA.—I am getting it.

† SRI K. PUTTASWAMY (Chamundeswari).—Madam Speaker, the information that I have asked for is very pertinent for the remarks that I would like to make. If you would like me to speak without that information, I may entirely go wrong. I think, for the first time in the history of our Legislature almost the entire programme before this House is to consider the bills that are going to replace the ordinances. I don't think that this has happened at any time at all. No doubt, times have changed. I can appreciate the urgency in respect of matters relating to the implementation of the 20 Point Programme. If there are any legal impediments for implementation of this 20 point Programme which is being religiously implemented, then I for one would very much appreciate the Government in coming out with an ordinance.

Madam Speaker, there is one difficulty which some of us experience when a Bill to replace an ordinance comes before this House. Government after invoking the legislative powers of the Governor and in pursuance these of would have taken so many actions. It would be rather embarassing for some of us at least to freely comment on the provisions. I, for one, feel, that this measure could have waited the session of the Assembly, I don't think it would have resulted in so much of loss of income to the exchequer, Perhaps it may be a few thousands. When the Hon'ble Minister furnishes these figures, the correctness of my statement may become evident. It may not even exceed a lakh. When that is so, is it not desirable to come forward with a Bill and place it before the House, so that all sections of this House may express their opinion? After all, we are in a majority. The party to which I have the honour to belong, has a very comfortable majority-huge majority-, and I am sure the Bills that the Government would bring forward would get almost unanimous approval of this House. We are also in very fortunate circumstances. We find that the Hon'ble members sitting on the other side also view

with us in according approval to such measures. Therefore, a measure of such a kind which the Government brings forward would receive almost unanimous approval of this House.

I have one reservation in my mind. The Hon'ble Minister in the statement of objects and reasons has stated that the view taken by the High Court is erroneous and is also contrary to an earlier decision of the High Court in 1970 (1) Mysore L J. Madam Speaker it is comonnly understood that solatium is a matter which follows the compensation. What is the percentage of Solatium is known. What compensation is payable is the point at issue. The Courts are called upon to pronounce their verdict on the quantum of compensation. Is the Court called upon to give a verdict on the solatium? If it is the wisdom of this House and fee is levied on the solatium also, it is a different matter.

SRI H. SIDDAVEERAPPA.—That is what we are doing

SRI K. PUTTASWAMY.—Hon'ble Minister has pointed out that the decision of the Court is erroneous. With the legal background he is having, he would appreciate the point. I would not come in the way of Government increasing the Court Fee on compensation. If you think that Court Fee is low in respect of Schedule II, they can increase the compensation. I am trying to pursuade the Hon'ble Minister to kindly consider whether it is proper to say that Court Fee must be paid on solatium. The Solatium is fixed by statute. The Courts are the authorities awarding compensation. I feel there is some justification in the view taken by the High Court. But, if the Government wants more income in the form of Court Fee or compensation it is a different matter altogether. If such a proposal is made, I would say I shall be one with them in respect of Scheduie II, They consider the other amendments excepting the amendment to section 48 are very minor. I say the Government had some explanation on that. For an ordinary man going to seek relief, it is a big amount. If he is asked to pay Rs, instead of 24 it is not a minor matter for him. The Hon'ble Minister forgets the change that have come over in the very approach of the Government to this problem. where the stamp payable was nominal the Government seeks to raise the stamp Fee. The Government should come forwards to waive it. Mr. Krishnan was making a point that if a conservancy is not properly maintained and a latter is addressed to the Commissioner, the Commissioner may say the complaint can not worked into as it is not affixed with required stamp. He may require a representation with 50 paise stamp affixed. Such a necessity arises not in very well developed localities where the Hon'ble Minister and some of us live, but in some areas where the people find it difficult to get even 50 paise, I do not like to make comment on all the

points in Schedule II. Suffice it if I to say that on many items stamp fee should not have been sought to be levied. I am sure the hon'ble Minister would agree with me in this particular aspect. If the Bill had come up in the ordinary course I am sure I would have pursuaded the Hon'ble Minister to agree and drop it. But it is in the form of Ordinance. The Minister's direction would not have been fettered on prestige, I know the Hon'ble Minister Sri Siddaveerappa is not a person who would sit on prestige if there is no Justification. We ourself do not understand how much Court Fee has to be paid on some of the items. We have to go to the Clerk and ascertain the value of the stamp to be affixed, There should be two or three categories only. They need to refer to the schedule every time for making an application should be avoided. An Ordinary man if he wants to make an application he has to go through item by item to find out how much stamp he has to pay. I feel that the Hon'ble Minister should have taken advantage of this occasion to simplify matters.

I wish the Hon'ble Minister will be able to give more information to the House so that we may also go with him wholeheartedly,

3-00 P. M.

SRI H. SIDDAVEERAPPA.—I would like to know that more information does the hon'ble member want. I think the information required is furnished in the Statement of Objects and Reasons. So far as the appeal before the Supreme Court is concerned, if this Bill is passed, there will be no need for us to contest.

SRI K. PUTTASWAMY.—I have a feeling that the appeal before the Supreme Court has been filed long back. I am not questioning the propriety in prefering the appeal. I would like to know when the appeal has been filed, and if it has been filed long back why did not the Government come forward with a bill during the Budget sessions ?

SRI H. SIDDAVEERAPPA.—I will give the date on which the appeal has been filed, but I will have to search for it.

SRI K. PUTTASWAMY.—When the Hon'ble Minister says that he has to search for it, it is really an old affair. Last year itself they could have brought a Bill. Why this Ordinance was issued? I am sure the Hon'ble Minister is one with us when we say that Ordinance is to be issued where the Government cannot wait till the Assembly meets. Of course, they have every right to invoke the legislative power of the Governor. But when they had an earlier opportunity of invoking the legislative power of this House itself, why should they go to the Governor? To that extent this House is by passed. That is my point.

SRI S. M. KRISHNA.—Since some facts and figures have been requested for by the hon'ble member Sri Puttaswamy, it is better to with-hold the Bill.

SRI H SIDDAVEERAPPA.—So far as the necessary facts and figures are concerned, they have been amply provided in the Statement of Objects and Reasons.

SRI K. PUTTASWAMY,—When the appeal is pending where was the need for this Ordinance? What is the extent of gain if the Bill had been introduced earlier and what is the extent of loss as it has been delayed?

† SRI H SIDDAVEERAPPA.—I will be able to say that only after the accounts are verified. How can I say that we get so much and how much we lose ? This is a simple measure and I never expected any comment or criticism.

Sri T. R. Shamanna has pleaded for certain things as usual it is very customary with him. I never expected that my friend Sri Krishnan to speak so much about this. As far as I know, Article 207 (ii) excludes fees for serviess endered. Court fee is the fees for services rendered. This question has been well settled by the decisions of Courts. Now, with regard to the Ordinance, it does not include the provision for enhancement of Court fees on applications. No doubt, in the Schedule some small increase is given so far as certain fees are concerned. All this has arisen because the acquisition cases have so far resulted in loss to the Government, and that is why we thought of this. I have already stated about the present Act. If the hon ble members want I can give a comparative table about what the amendment is, why it is brought and what will be its effect, and the reasons why we have done it. I thought I should not take much time of the House. For the information of the hon'ble member Sri K. Puttaswamy, I would like to say that the appeal was filed on 29th July 1975. It is not possible to estimate the actual revenue involved. As I have clearly stated the appeals are being filed from the beginning. In all these cases, unless the amendment is accepted, claims for refund will have to be made. That is why this Bill has been introduced. Similarly, in future cases also court fee will have to be paid. With a view to avoid future possible losses to the Government, we have done it in anticipation. Government thought it desirable to bring forward this measure even from the socialistic point of view. This is not much. What has been done is very little. I think you will all agree with me.

SRI K. PUTTASWAMY.— I wish that point had been made out in the Statement of Objects and Reasons. Supposing the decision of the Supreme Court goes against, then the Government would be called upon to refund the amount so far collected is a valid ground for a measure of this kind.

SRI H. SIDDAVEERAPPA.—I agree with the hon'ble member that it could have been done earlier. It has not been done. I thank Sri K. Puttaswamy for having enlightened me on that point. If the Supreme Court case goes against us, the Government stands to lose very heavily. It is for that reason we have thought fit to bring this legislation. The promulgation of this Ordinance was questioned. We do not know when the Supreme Court decision would come. We thought that is better to err on the safer side and it would be better to have it by way of an Ordinance. When the disposal of the appeal takes place, we do not know the solatium we have to pay and the refunds that have to be made.

In order to avoid the future possible loss of revenue to the State this has been done after careful thought and secrutiny. As I have said, the present section 48 as we know on any Memorandum of Appeal against the decision of award or relating to compensation under any Act for the time being in force for the acquisition of property for public purposes shall be computed on the difference between the amount of award and the amount claimed by the appellant. That is the law which stands today. After the Amendment proposed is passed, it will be fee on memorandum of appeal against the decision of award or relating to compensation, the fee payable under this Act on a memorandum of appeal against the decision or an award or an order relating to compensation under any Act for the time being in force for the acquisition of property for public purposes shall be computed on the difference between the amount of award and the amount claimed by the applicant. The reason is, section 48 provides that the fee payable on a memorandum of appeal against an order relating to compensation of land acquisition cases shall be computed on the difference between the amount of award and the amount claimed by the applicant. The High Court has held that the compensation for the purpose of this section does not include solatium of award for compulsory acquisition of land and therefore no court fee need be paid on the solatium. This is contrary to earlier decisions of the High Court. In order to make it clear that the Court fee is payable on solatium also so that there may not be any claims for refund and in the interests of the revenue, section 48 is amended by adding an explanation to that effect.

SRI M. S. KRISHNAN.—The earlier decision of the High Court was given by a single judge and later the full bench of the High Court gave a decision. You are now questioning the decision given by all the full bench. In the Statement of objections and reasons you have stated "the above view is erroneous and is also contrary to an earlier decision of the High Court."

SRI H. SIDDAVEERAPPA.—According to us, the full bench decision is erroneous and wrong.

In the explanation we have very clearly stated that the Deputy Commissioner will have to make an inquiry and we have to give six months' time for the filing of the appeal. The fee payable is doubled. This is the crux of the problem that we have been raising. In Schedule II, the rate of fee has been prescribed on the petition. These rates were prescribed long ago, not today. As you know even the cinema tickets which were 4 annas have been raised to Rs. 1. But the point is these are all old scheduled. According to the present money value, we will have to increase the fees. With that object, it has been done.

The poor man will not feel the pinch if it it is raised to paise 15 from to 10 paise. .

ಶ್ರೀ ಎಂ. ಎಸ್. ಕೃಷ್ಣನ್.—20 ಅಂಶದ ಕಾರ್ಯಕ್ರಮದ ಪ್ರಕಾರ ಅಧಿಕಾರ ನಿಮ್ಮ ಕೈಯಲ್ಲಿ ರುವಾಗ ಫ್ರೀಯಾಗಿ ಮಾಡಿಬಿಡಿ.

SRI H. SIDDAVEERAPPA.—That does not come under this Act. On each point I have given the reason as to why we have raised the fee ; I have applied my mind and looked into it. It is not much. And more over this is not a case where we have raised any tax. It is only a case where we have increased the fee. Of course I partially agree with the view that if there was no Ordinance, we could have brought a Bill.

ಶ್ರೀ ಎಂ. ಎಸ್. ಕೃಷ್ಣನ್.—ತಾವು ಲೀಗಲ್ಲಾಗಿ ನೋಡಬೇಡಿ. ಕಾಮನ್ ಮ್ಯಾನ್ ಹಿಂದೆ ೨೫ ಪೈಸೆ ಕೊಡುತ್ತಿದ್ದವನಿಂ ಈಗ ೫೦ ಪೈಸೆ ಕೊಡಬೇಕಂ. ಕಾಮನ್‌ಮ್ಯಾನ್ ಇದೊಂದು ಹೊರೆ ಎಂದು ಯೋಚನೆ ಮಾಡುತ್ತಾನೆ. ಇದು ಟ್ಯಾಕ್ಸ್ ಅಲ್ಲ, ಫೀಸ್ ಎಂದು ಅವನಿಗೆ ಹೇಗೆ ಗೊತ್ತಾಗುತ್ತದೆ?

ಶ್ರೀ ಹೆಚ್. ಸಿದ್ದವೀರಪ್ಪ.—ಹುಲ್ಲುಕಡ್ಡಿಯೂ ಒಂದು ಹೊರೆ ಎಂದು ಗೊತ್ತಾಗುವುದಿಲ್ಲವೇ.

ಶ್ರೀ ಎಂ. ಎಸ್. ಕೃಷ್ಣನ್.—೨೫ ಪೈಸೆಗೆ ಒಂದು ಹುಲ್ಲು ಕಡ್ಡಿ, ೫೦ ಪೈಸೆಗೆ ೨ ಹುಲ್ಲುಕಡ್ಡಿಗಳು.

SRI H. SIDDAVEERAPPA.—We can argue that way but my only view is, according to me, even from the stand point of the common man and the poor man, it is not much. Having examined all these points, this Bill has been brought by way of an abundant caution even when the matter is before the Supreme Court When the Bill is passed, the Supreme Court will withdraw its objection. I am glad my friends have taken so much interest and have raised so many points parti-

cularly Sri Krishnan and Sri Shamanna. Sri Puttaswamy has also raised a very relevant point. I feel this has been done with best of intentions with a view to see not to get so much money as you feel-this does not bring in crores of rupees, I feel mostly this question has arisen on account of the acquisition charges. My friends know how things are going in and around Bangalore and in other places. I feel my friends will agree with me and I have tried to convince them to the best of my ability. I would only request them to agree with me.

MADAM SPEAKER.—I shall put the motion of Sri T. R. Shamanna

The question is:

"That the Karnataka Court Fees and Suits Valuation (Amendment) Ordinance 1976. Karnataka Ordinance No. 18 of 1976, be disapproved;

The motion was negatived

Now the main Motion.—The question is :

"That the Court Fees and Suits Valuation(Amendment)Bill, 1976 be taken into consideration."

The motion was adopted

CLAUSES 2 to 5

MADAM SPEAKER.—The question is:

That clauses 2 to 5, both inclusive, do stand part of the Bill.

The motion was adopted.

Clauses 2 to 5 both inclusive were added to the Bill.

CLAUSE 1 etc

MADAM SPEAKER.—The question is:

"That clause 1, the long Title the Preamble and the Enacting Formula do stand part of the Bill."

The motion was adopted

Clause 1, the Long Title, the Preamble and the Enacting formula were added to the Bill.

Motion to pass

SRI H. SIDDAVEERAPPA (Minister for Law) —I move.

"That the Karnataka Court Fees and Suits Valuation (Amendment) Bill, 1976 be passed."

MADAM SPEAKER.—The question is:

"That the Karnataka Court Fees and Suits Valuation (Amendment) Bill, 1976, be passed."

The motion was put and adopted and the Bill was passed.

KARNATAKA CIVIL COURTS (AMENDMENT) BILL, 1976

Motion to Consider

SRI H. SIDDAVEERAPPA (Minister for Law).—I move

"That the Karnataka Civil Courts (Amendment) Bill, 1976 be taken into consideration."

MADAM SPEAKER.—Motion moved:

"That the Karnataka Civil Courts (Amendment) Bill, 1976 be taken into consideration."

† SRI H. SIDDAVEERAPPA.—There are certain very salient points that have been raised in this amending Bill. Only sections 20, 22, 23, 25, 26 and 28 are sought to be amended by this amending Bill The reasons why this amendment is made, I have to explain in a few words.

This Bill has been moved because at present under section 20, all appeals from the decisions of Munsiffs will lie in the Court of Civil Judges The proposal now is to provide that appeals from the decisions of Munsiffs in cases where the value of the subject matter is less than Rs. 5,000, should be to the Civil Judges and where the value is more than Rs. 5,000 to the District Judge. In some Civil Judges' Courts the work is less and the work is heavy in the District Judges' Courts. With a view to see that the work is rationalised this amendment is sought to be moved in order to see that heavy pendency in the Civil Judges' Courts is lessened. In some district courts we are told that the work is not sufficient. Almost by the mid-day the work will be over and the Judges will not have any work. Therefore, it is thought that the work may be provided and there may be rational distribution. So far as work between District Courts and Civil Judges Courts is concerned, wherever we think it is necessary to allocate and distribute work, we have taken power.

Section 22-At present the Small Cause jurisdiction of Civil Judges is limited upto Rs. 2,000. By this amendment the jurisdiction of Small Cause Court Judges who are of the rank of Civil Judges, the limit is raised to Rs. 3,000.